

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISIONRECEIVED
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Patrick John VanCise,) C/A NO. 9:07-3793-GCK
)
Plaintiff,)
)
v.) **OPINION and ORDER**
)
Commissioner of Social Security,)
)
Defendant.)
)

Plaintiff Patrick John VanCise filed this action *pro se* seeking a review of the denial of his application for social security benefits. The matter was referred to United States Magistrate Judge George C. Kosko for pre-trial proceedings and a Report and Recommendation ("Report") in accordance with 28 U.S.C. § 636(b) and Local Rules 73.02(B)(2)(a) and 83.VII.02, *et seq.*, D.S.C.

On June 27, 2008, the Magistrate Judge issued a Report recommending that the action be dismissed without prejudice for lack of prosecution. Plaintiff was given notice of his opportunity to object to this recommendation but has filed no objection.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of an objection, the court reviews the Report and Recommendation only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416

F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error and agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order and dismisses this action without prejudice under Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

S/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 21, 2008